## UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

AIMEE LYNN O'NEIL,

Petitioner

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STATE OF COLORADO, et al.,

Respondents

Case No.: 2:19-cv-01962-JAD-VCF

**Order Dismissing Petition** and Closing Case

Aimee Lynn O'Neil has submitted a 28 U.S.C. § 2254 habeas corpus petition. O'Neil is incarcerated in Colorado under a Colorado judgment of conviction.<sup>2</sup> While she mentions that 11 she was extradited from Las Vegas, she appears to mainly challenge the legality of the way the 12 Colorado Department of Corrections has structured her sentence. However, an action under 13 | § 2254 may be filed in either the district court for either (1) the district in which the petitioner is 14 held or (2) the district in which the state court that convicted and sentenced her is located.<sup>3</sup> As a 15 result, O'Neil must file her petition in federal district court in Colorado.

The court also notes that it appears that O'Neil's appeal of her conviction is pending before the Colorado Court of Appeals, thus her federal claims may also be unexhausted.<sup>4</sup> A 18 federal court will not grant a state prisoner's petition for habeas relief until the prisoner has 19 exhausted her available state remedies for all claims raised.<sup>5</sup>

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<sup>1</sup> ECF No. 1. 21

<sup>&</sup>lt;sup>2</sup> See id.

<sup>&</sup>lt;sup>3</sup> 28 U.S.C. § 2241(d).

<sup>&</sup>lt;sup>4</sup> ECF No. 1 at 2.

<sup>&</sup>lt;sup>5</sup> Rose v. Lundy, 455 U.S. 509 (1982); 28 U.S.C. § 2254(b).

IT IS THEREFORE ORDERED that this petition is DISMISSED without prejudice. IT IS FURTHER ORDERED that a certificate of appealability is DENIED. The Clerk of Court is directed to  $\ensuremath{\mathbf{ENTER}}$   $\ensuremath{\mathbf{JUDGMENT}}$  accordingly and CLOSE THIS CASE. Dated: December 9, 2019 U.S. District Judge A. Dorsey